

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 4 and inserting the following:

‘**Sec. 4. 22 MRSA §2649-A** is enacted to read:

**§ 2649-A. State's impact on public water supply protection**

When undertaking actions that have a negative impact on a public water supply, a state agency shall consider the impact and evaluate alternatives to avoid and minimize the impact.’

Amend the bill in section 11 in §480-E-2 in the first paragraph in the first line (page 3, line 6 in L.D.) by inserting after the following: "may delegate" the following: 'review'

Amend the bill by inserting after section 11 the following:

‘**Sec. 12. 38 MRSA §480-Q, sub-§2-C** is enacted to read:

**2-C. Transportation reconstruction or replacement project within a community public water system primary protection area.** A transportation reconstruction or replacement project located within a community public water system primary protection area as long as a permit is not required due to the presence of any other type of protected natural resource.’

Amend the bill by striking out all of section 13 and inserting the following:

‘**Sec. 13. Rulemaking and implementation date.** The Department of Environmental Protection shall adopt rules to specify requirements for an activity located in a community public water system primary protection area. The rules may include provisions addressing mitigation. For purposes of the rulemaking, mitigation may include avoiding, minimizing, rectifying, reducing or eliminating an adverse impact, but may not include compensating for an impact. A permit is not required under the Maine Revised Statutes, Title 38, chapter 3, article 5-A for an activity located in, on or over a community public water system primary protection area until the effective date of the rules provided for in this section, unless a permit is otherwise required under the Maine Revised Statutes, Title 38, section 480-C. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The Department of Environmental Protection shall provide notice of the rulemaking under this section to municipalities in which community public water system primary protection areas are located.’

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment deletes the requirement in the bill that requires state agencies to conduct mitigation of unavoidable impacts the agency's actions have on a public water supply. It clarifies that the Commissioner of Environmental Protection may delegate review authority to the drinking water program of the Department of Health and Human Services or to a community public water system. It adds an exemption to the laws regarding the protection of natural resources for transportation reconstruction or

replacement projects within a community public water system primary protection area. It clarifies that the Department of Environmental Protection may address mitigation in rules concerning community public water system primary protection areas, but may not include compensation as a method of mitigation. It designates rules specifying requirements for activities located in a community public water system primary protection area as major substantive rules. It requires the Department of Environmental Protection to provide notice of the rulemaking to municipalities in which community public water system primary protection areas are located.